

REC'D PCT/PID 24 JAN 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT

(PCT Article 36 and Rule 70)


Applicant's or agent's file reference 482187 GWW	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/NZ2003/000150	International Filing Date (day/month/year) 11 July 2003	Priority Date (day/month/year) 11 July 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A41D 13/015		
Applicant HASKELL, Thomas Rex		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 11 February 2004	Date of completion of the report 18 October 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  DAVID MELHUISE Telephone No. (02) 6283 2426

I. Basis of the report

1. With regard to the elements of the international application:*
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 2, 3, 7, 10, 11, 13, 14, 17, 21, 24	YES
	Claims 1, 4 - 6, 8, 9, 12, 15, 16, 18 - 20, 22, 23	NO
Inventive step (IS)	Claims 2, 3, 7, 10, 11, 13, 14	YES
	Claims 1, 4 - 6, 8, 9, 12, 15 - 24	NO
Industrial applicability (IA)	Claims 1 - 24	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N) Claims 1, 4-6, 8, 9, 12, 15, 16, 18-20, 22 and 23:

D1 - US 4004493 A

D2 - GB 2368775 A

D1 discloses the features of claims 1, 4-6, 8, 9, 12, 15, 18 to 20 and 22. Figures 3 and 4 of the citation show arcuate panels used in an energy absorbing garment, wherein the panels overlap each other in a sliding relationship. The tongues 14 are considered to allow sliding movement, and also the top panels 19 slide over the adjacent top panel 19. The panels are held between two layers of fabric as discussed at column 2 lines 22 to 25. Figure 8 of D1 shows the feature of claim 8, which defines a higher and lower middle portion. The panels in D1 are made of steel.

D2 discloses the features of claims 1, 4 to 6 and 15, 16, 18 to 20, 22 and 23. Figure 3 shows arcuate plastic or metal panels that overlap in a sliding relationship. The fabric 10 is stretchable to allow the panels to slide over adjacent panels, and may be on the outside of the panels if desired. The stretchable fabric is "that sold under the trade names Elastane, Spandex or Lycra" (page 6 lines 28-29). This fabric usually has one-way stretchability.

INVENTIVE STEP (IS) Claims 1, 4-6, 8, 9, 12, 15-24:

Claims 1, 4 - 6, 8, 9, 12, 15, 16, 18 - 20, 22, 23: As per novelty above.

Claims 17, 21 and 24: D2 discloses plastic panels, so the use of PVC as defined in claim 17 is not considered to involve an inventive step. Perforations allowing air flow and the stretchability running across the garment are also considered to be workshop improvements that a skilled addressee could have arrived at without exercising ingenuity.